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Attorney Docket No. P63544US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kaupo PALO

Application No.: 09/869,581

Art Unit: 2878

Filed: October 22, 2001

Examiner: Otilia Gabor

For: A METHOD OF CHARACTERIZING FLUORESCENT MOLECULES OR OTHER PARTICLES USING GENERATING FUNCTIONS

TRANSMITTAL

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith please find:

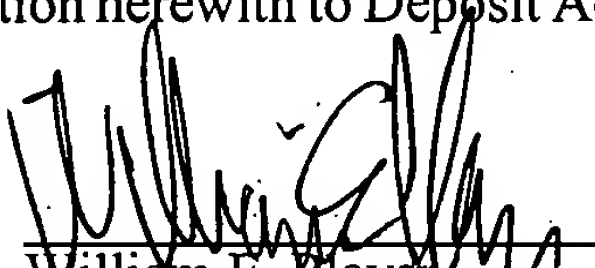
- ☒ Amendment and Terminal Disclaimer
- ☒ Petition for extension of time
- ☒ Fee payment ☒ Payment Form PTO-2038 (credit card) for \$220 is attached.
- ☐ Charge \$ * to Deposit Account No. 06-1358.

Fee Calculation					
Excess Claims					
	Nº of Claims	Highest Nº Paid For	Excess Claims	Small Entity Fee	Large Entity Fee
Total	*	⊖ * =	0	⊗ \$9 = \$	⊗ \$18 = \$
Ind.	*	⊖ * =	0	⊗ \$43 = \$	⊗ \$86 = \$
() Multiple Dependent Claims (1 st Filing)				⊕ \$145 =	⊕ \$290 = \$
Extension of Time Fee				\$	\$110
Terminal Disclaimer				\$	\$110
Total Fee Due				\$0	\$220

- ☒ If a petition for extension of time is necessary, but not enclosed, then this acts as the petition. Charge any fees additionally necessary in connection herewith to Deposit Account No. 06-1358.

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Date: May 14, 2004

By


William E. Player
Registration No. 31,409



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**AMENDMENT AND SUBMITTING OF
TERMINAL DISCLAIMER [37 CFR 1.321(c)]**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The instant paper responds to the Office Action mailed January 14, 2004.

Amendments to the claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

Remarks/Arguments:

Applicant wishes to thank the Examiner for the timely notification that the drawings filed November 28, 2003, are approved.

Claims 23 and 24, presented hereby, are pending.

Claims 21 and 22 are canceled, hereby, without prejudice or disclaimer.

Entry of the instant amendment – replacing claims 21 and 22 with presented claims 23 and 24 – after final rejection is appropriate. As explained, below, it places the subject application in condition for immediate allowance, and it raises no new issues requiring further search or consideration.

Claims 23 and 24 correct inadvertent clerical errors appearing in claims 21 and 22, respectively, in order correctly represent claims 15 and 16, respectively, rewritten as independent claims. Claims 23 and 24, which had been presented as independently written claims 15 and 16, contain duplicated text. Additionally, claim 24 omitted an item for the defined mathematical "expression," i.e., the variable " a_3 ."

Applicant also wishes to thank the Examiner for pointing out the aforesaid deficiencies in claims 21 and 22, i.e., in the claims objection. In view of the changes to the claims reflected in claims 23 and 24, presented hereby, the objection is resolved.

Claims 21 and 22 were rejected for alleged obviousness-type double patenting, based on claims 1, 14, and 15 of U.S. Pat. No. 6,376,843. The rejection is rendered moot by the Terminal Disclaimer submitted, herewith, under 37 CFR 1.321(c).

All issues of record being resolved, notice of allowance appears in order.

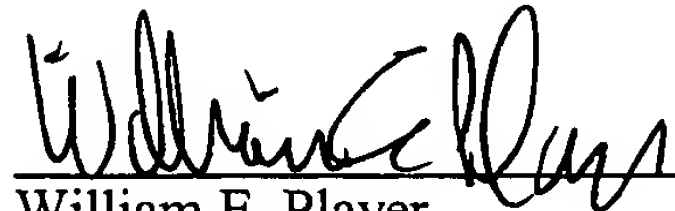
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Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

A handwritten signature in black ink, appearing to read "William E. Player", written over a horizontal line.

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